No. 16-1094

In the Supreme Court of the United States

REPUBLIC OF SUDAN, PETITIONER

v.

RICK HARRISON, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

SUPPLEMENTAL BRIEF FOR THE RESPONDENTS

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On January 19, 2018, the Fourth Circuit issued its decision in *Kumar* v. *Republic of Sudan*, 880 F.3d 144. That decision addresses service of process on Sudan, by the same means used here, in another suit arising from the U.S.S. Cole bombing. The Fourth Circuit held that delivering a service packet addressed to Sudan's minister of foreign affairs at the Sudanese embassy in Washington does not comport with the requirements of 28 U.S.C. 1608(a)(3). *Id.* at 158. In so doing, it recognized that "[its] holding conflicts" with the Second Circuit's holding in this case. *Id.* at 159.

In light of the resulting circuit conflict, the *Kumar* plaintiffs, who are represented by the same counsel as respondents here, are simultaneously filing a petition for a

writ of certiorari. The petition asks the Court to grant review in *Kumar* and further suggests that the Court should either grant this petition or hold it pending the disposition of *Kumar*. Respondents refer the Court to the petition in *Kumar* and respectfully request that it be considered together with this petition.

Respectfully submitted.

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